

# MISSOURI COURT OF APPEALS WESTERN DISTRICT

IN THE INTEREST OF: K.H.,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

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DOCKET NUMBER WD75653

**Date: July 23, 2013**

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Appeal from:  
Boone County Circuit Court  
The Honorable Justine Del Muro, Judge

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Appellate Judges:  
Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and Cynthia L. Martin, Judges.

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Attorneys:  
Natalie T. Hull, Columbia, MO for Appellant, for appellant.  
Kelly C. Wallis and Gary L. Gardner, Jefferson City, MO for Respondents, for respondent.

# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **COURT OF APPEALS -- WESTERN DISTRICT**

**IN THE INTEREST OF: K.H.**

**v.**

**STATE OF MISSOURI,**

**Appellant,**

**Respondent.**

WD75653

Boone County

Before Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and Cynthia L. Martin, Judges.

K.H. appeals from the juvenile court's judgment extending his commitment to the custody of the Division of Youth Services ("DYS") past his seventeenth birthday. He contends that the juvenile court lacked jurisdiction over him to extend his commitment to DYS's custody and that DYS lacked the statutory authority to petition the court for an extension.

**AFFIRMED.**

Division Three holds:

(1) The juvenile court had the power and authority to rule on the petition to extend K.H.'s commitment to DYS's custody. Section 219.021.1, RSMo 2000, gives the juvenile court this power by providing a mechanism by which DYS can seek to extend its custody over a juvenile past the juvenile's initial commitment. Because Section 219.081, RSMo 2000, expressly gives the juvenile court the power to rule on DYS's

application to relieve itself of custody, Section 219.021.1 should be interpreted to implicitly give the juvenile court the power to rule on DYS's application to extend its custody. Such an interpretation is consistent with the purpose of Chapter 211, which is "to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court." § 211.011, RSMo 2000.

(2) DYS had the authority to file a petition to extend K.H.'s commitment to its custody past his seventeenth birthday. Because the purpose of Section 219.021.1 is to allow DYS to extend a juvenile's initial commitment so that it can continue to provide care and treatment to a child in its custody beyond the statutory deadline of age eighteen when the juvenile court finds just cause for doing so, we see no reason to restrict DYS's ability to petition for such an extension when the initial commitment ends before age eighteen.

Opinion by: Lisa White Hardwick, Judge

**July 23, 2013**

<b>THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.</b>
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